

REMARKS

1. *Formalities*

Claim 1 was objected to as including information directed towards the specification. The information was inadvertently entered when preparing for appeal and has been removed.

2. *Statement of the Substance of the Interview*

A telephonic interview was conducted with Examiner Fields on November 4, 2010. Alex Haymond and Examiner Fields attended. The objection to claim 1 and an amendment to claims 11 and 12 were proposed regarding the 35 U.S.C. § 113 rejection in the Office Action mailed August 28, 2010. Examiner Fields agreed to the proposed amendments for claims 11 and 12 to eliminate the ambiguity raised by Examiner Fields in the Office Action. The proposed amendments are provided in the claims listed in this response. No other pertinent matters were discussed.

2. *Claim Rejections -- 35 U.S.C. § 112*

Claims 11-12 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The formal language of claims 11 and 12 has been updated to place the claims in a method format. This formality should clarify the rejection regarding confusing language. Applicant requests that the amendments be entered to present the rejected claims in a better form for consideration on appeal.

3. *After-Final Amendment*

Pursuant to 37 C.F.R. § 1.116 and M.P.E.P. § 714.12-714.13, Applicant is permitted to submit an After-Final Amendment prior to or concurrently with the filing of a Notice of Appeal. Specifically, Applicant is permitted to submit an Amendment complying with requirements of form expressly set forth in a previous Office action.

According to M.P.E.P. 714.13, compliance with the requirement of a showing under 37 CFR 1.116(b)(3) is not required where an amendment merely cancels claims, adopts examiner

suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner.

Applicant submits that the amendments presented herein are to comply with requirements of form set forth in the previous Office action. Applicant further submits that the amendments adopt Examiner suggestions and remove issues for appeal in a way that requires only a cursory review by the Examiner.

Therefore, Applicant respectfully requests that the amendments presented herein be entered to put the case in better condition for appeal.

CONCLUSION

Based on the foregoing, Applicant respectfully submits that the deficiencies in the application have been corrected and that the proposed claims are in a better condition for appeal

If any impediment to the entry of these claim amendments remains, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 5th day of November, 2010.

Respectfully submitted,

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